

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ken Peterson, on January 10, 2011 at 9:00 A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 71, 1/5/2011; HB 81, 1/5/2011; HB 95, 1/5/2011; HB 96,
1/5/2011; HB 97, 1/5/2011

00:02:31 Chairman Peterson
00:03:15 Rep. Menahan
00:03:54 Chairman Peterson
00:04:30 Mr. Niss
00:08:22 Chairman Peterson
00:08:31 Mr. Niss
EXHIBIT(juh07a01)
00:10:21 Chairman Peterson
00:12:04 Rep. O'Hara
00:12:13 Chairman Peterson
00:12:31 Rep. Wagner
00:12:37 Chairman Peterson
00:13:02 Rep. Menahan
00:13:09 Chairman Peterson

EXECUTIVE ACTION

00:13:11 **Motion:** Rep. Menahan moved that **PROXIES BE HANDLED AS IN THE PAST, THAT THEY BE SIGNED AND TURNED IN TO THE VICE CHAIRS, LEAVING HANDLING TO THE VICE CHAIRS' DISCRETION WITH PROBLEMS TO BE ADDRESSED IF THEY ARISE.**

Discussion:

00:13:13 Chairman Peterson
00:13:57 Rep. Sands
00:14:04 Chairman Peterson
00:15:17 Rep. More
00:15:25 Chairman Peterson

00:15:35 **Vote:** Motion carried unanimously by voice vote.

00:15:45 Chairman Peterson

HEARING ON HB 81**Opening Statement by Sponsor:**

00:17:38 Rep. Don Roberts (R), HD 56, opened the hearing on HB 81, Create a securities restitution fund.
00:18:45 Chairman Peterson

Proponents' Testimony:

00:19:02 Mr. Jesse Laslovich, Office of the State Auditor, on behalf of Monica Lindeen,
Montana Commissioner of Insurance and State Auditor

EXHIBIT(juh07a02)

00:20:00 Chairman Peterson

00:20:05 Mr. Laslovich

00:28:11 Chairman Peterson

00:28:17 Troy Dorrell, owner of contracting business and victim of securities fraud

00:30:47 Chairman Peterson

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:31:19 Rep. Wagner

00:31:41 Mr. Dorrell

00:31:57 Rep. Wagner

00:32:11 Mr. Dorrell

00:32:29 Rep. Wagner

00:32:35 Chairman Peterson

00:32:39 Rep. O'Hara

00:32:54 Mr. Laslovich

00:34:06 Rep. O'Hara

00:34:11 Rep. More

00:34:17 Mr. Laslovich

00:34:41 Rep. More

00:34:58 Mr. Laslovich

00:36:24 Rep. More

00:36:38 Mr. Laslovich

00:36:43 Rep. Harris

00:36:49 Chairman Peterson

00:36:53 Rep. Harris

00:37:19 Mr. Laslovich

00:38:39 Rep. Harris

00:38:46 Chairman Peterson

00:38:50 Rep. Harris

00:39:38 Mr. Laslovich

00:40:44 Rep. Harris

00:40:51 Chairman Peterson

00:40:57 Rep. Harris

00:41:31 Mr. Laslovich

00:42:14 Chairman Peterson

00:42:18 Rep. Menahan

00:43:23 Mr. Laslovich

00:44:10 Chairman Peterson
 00:44:13 Rep. Hansen
 00:44:34 Mr. Laslovich
 00:46:00 Rep. Hansen
 00:46:06 Chairman Peterson
 00:46:09 Rep. Hansen
 00:46:24 Mr. Laslovich
 00:46:34 Rep. Hansen
 00:46:44 Chairman Peterson
 00:46:48 Rep. Hansen
 00:47:00 Mr. Laslovich
 00:47:18 Chairman Peterson
 00:47:27 Rep. Wagner
 00:49:02 Mr. Laslovich
 00:49:42 Rep. Wagner
 00:49:46 Chairman Peterson
 00:49:53 Rep. Wagner
 00:49:58 Mr. Laslovich
 00:50:04 Rep. Wagner
 00:50:06 Chairman Peterson
 00:50:10 Rep. Harris
 00:50:34 Mr. Laslovich
 00:50:41 Chairman Peterson
 00:51:04 Mr. Laslovich
 00:51:08 Chairman Peterson
 00:51:36 Mr. Laslovich
 00:51:54 Chairman Peterson
 00:51:57 Mr. Laslovich
 00:51:59 Chairman Peterson

Closing by Sponsor:

00:52:30 Rep. Roberts
 00:54:25 Rep. Howard exited.

HEARING ON HB 71

Opening Statement by Sponsor:

00:54:30 Rep. Gordon Vance (R), HD 67, opened the hearing on HB 71, Provide that
 illegal alien may not receive workers' comp.
 00:58:09 Chairman Peterson

Proponents' Testimony: None

Opponents' Testimony: None

00:58:29 Sahid Haque-Hausrath, Border Crossing Law Firm
 01:01:59 Rep. Howard returned.
 01:02:55 Chairman Peterson

01:03:02 Andrea Olson, Montana Trial Lawyers Association (MTLA)
01:05:18 Chairman Peterson
01:05:32 Deborah Smith, Attorney in Helena, self
01:10:30 Chairman Peterson
01:10:40 Therese Tucker, self
01:13:01 Chairman Peterson
01:13:06 Jamee Greer, Montana Human Rights Network
01:16:10 Chairman Peterson
01:16:13 Nicki Zupanic, American Civil Liberties Union (ACLU)
01:18:49 Chairman Peterson

Informational Testimony: None

01:19:02 Mark Cadwallader, Staff Attorney, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

01:19:32 Rep. Driscoll
01:19:47 Kevin Braun, Montana State Fund
01:20:24 Rep. Driscoll
01:20:51 Mr. Braun
01:20:56 Rep. Regier
01:21:01 Rep. Vance
01:21:06 Rep. Regier
01:21:32 Rep. Vance
01:22:07 Rep. Regier
01:22:12 Chairman Peterson
01:22:15 Mr. Cadwallader (DLI)
01:22:23 Rep. Regier
01:22:42 Mr. Cadwallader
01:23:38 Rep. Regier
01:23:42 Chairman Peterson
01:23:45 Rep. Sands
01:24:30 Mr. Cadwallader
01:24: 26 Rep. Sands
01:24:59 Chairman Peterson
01:25:00 Rep. Sands
01:26:13 Rep. Vance
01:27:02 Rep. Sands
01:27:05 Chairman Peterson
01:27:09 Rep. Sands
01:27:21 Chairman Peterson
01:27:40 Rep. Hansen
01:28:14 Rep. Sands exited.
01:28:22 Mr. Haque-Hausrath
01:30:00 Rep. Hansen
01:30:05 Chairman Peterson
01:30:07 Rep. Hansen
01:30:28 Mr. Haque-Hausrath
01:31:34 Rep. Sands returned.

01:31:56 Rep. Hansen
01:32:15 Mr. Haque-Hausrath
01:33:59 Chairman Peterson
01:34:02 Rep. MacDonald
01:34:20 Mr. Haque-Hausrath
01:35:46 Rep. MacDoanld
01:35:53 Chairman Peterson
01:35:57 Rep. MacDonald
01:36:46 Mr. Haque-Hausrath
01:37:23 Rep. MacDonald
01:37:32 Chairman Peterson
01:37:35 Rep. MacDonald
01:38:06 Mr. Cadwalladar
01:39:45 Rep. MacDonald
01:39:49 Chairman Peterson
01:39:52 Rep. Pease-Lopez
01:40:33 Ms. Smith
01:42:17 Chairman Peterson
01:42:22 Rep. Hill
01:44:09 Rep. Vance
01:45:15 Chairman Peterson
01:45:18 Rep. Driscoll
01:45:59 Mr. Braun
01:46:27 Chairman Peterson
01:46:31 Rep. Harris
01:47:29 Rep. Howard exited.
01:48:30 Mr. Haque-Hausrath
01:50:13 Rep. Harris
01:50:21 Chairman Peterson
01:50:24 Rep. Harris
01:50:51 Mr. Haque-Hausrath
01:51:47 Chairman Peterson
01:51:57 Rep. Wagner
01:52:16 Mr. Cadwalladar
01:52:24 Rep. Wagner
01:54:22 Rep. Howard returned.
01:54:31 Mr. Cadwallader
01:55:58 Rep. Driscoll exited the room.
01:56:10 Rep. Menahan exited the room.
01:56:50 Rep. Wagner
01:56:57 Chairman Peterson
01:57:14 Rep. Wagner
01:57:55 Chairman Peterson
01:58:14 Rep. Wagner
01:58:30 Rep. Driscoll and Rep. Menahan returned.
01:58:44 Mr. Cadwallader
01:58:55 Rep. Wagner
01:58:57 Chairman Peterson
01:59:27 Mr. Braun
02:00:32 Chairman Peterson

02:01:56 Mr. Braun
02:02:01 Chairman Peterson
02:02:08 Ms. Olson
02:02:16 Chairman Peterson
02:02:54 Ms. Olson
02:04:44 Chairman Peterson
02:05:23 Rep. Hansen exited.
02:05:51 Chairman Peterson

Closing by Sponsor:

02:05:53 Rep. Vance

HEARING ON HB 96

Opening Statement by Sponsor:

02:07:40 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 96, Allow recovery of public defender costs in certain cases.

Proponent's Testimony:

02:10:01 Randi Hood, Chief Public Defender, Office of the Public Defender (OPD)
02:11:45 Rep. Hansen returned.
02:13:18 Chairman Peterson

Opponents' Testimony:

02:15:15 Chairman Peterson
02:15:20 Chad Lembke, self

Informational Testimony: None

Questions from Committee Members and Responses:

Closing by Sponsor:

02:15:34 Rep. Menahan
02:15:40 Rep. Loney exited.

HEARING ON HB 97

Opening Statement by Sponsor:

02:15:48 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 97, Amend supervision of Chief Appellate Defender.

02:16:46 Rep. Kerns exited.
02:17:33 Rep. Loney returned.
02:18:21 Rep. Kerns returned.
02:19:33 Chairman Peterson

02:19:35 Rep. MacDonald exited.

Proponents' Testimony:

02:19:44 Fritz Gillespie, Chairman, Public Defenders Commission
 02:22:30 Rep. MacDonald returned.
 02:22:35 Chairman Peterson
 02:22:43 Nikki Zupanich ACLU
 02:24:49 Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

02:25:06 Jocelyn Hunt, Chief Appellate Defender

Questions from Committee Members and Responses:

02:25:27 Rep. Hansen
 02:26:24 Mr. Gillespie
 02:26:39 Rep. Hansen
 02:26:51 Mr. Gillespie
 02:27:15 Rep. Hansen
 02:27:31 Chairman Peterson

Closing by Sponsor:

02:27:42 Rep. Menahan
 02:29:14 Chairman Peterson
 02:29:42 Mr. Lembke, self
 02:31:39 Chairman Peterson

HEARING ON HB 95

Opening Statement by Sponsor:

02:32:06 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 95, Gen revise MT Human Rights Act-Indian preference-subpoenas-attorney fees.

EXHIBIT(juh07a03)

02:34:43 Chairman Peterson

Proponents' Testimony:

02:34:47 Jerry Keck, DLI
EXHIBIT(juh07a04)
 02:39:38 Chairman Peterson
 02:39:47 Annie Glover, Confederated Salish and Kootenai Tribes
 02:39:48 Chairman Peterson

02:40:22 Al Smith, MTLA
02:41:05 Chairman Peterson
02:41:21 Beth Brenneman
02:42:19 Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:42:49 Rep. Hansen
02:43:07 Mr. Keck
02:43:12 Rep. Hansen
02:43:21 Mr. Keck
02:43:55 Rep. Hansen
02:43:59 Chairman Peterson
02:44:02 Rep. More
02:44:44 Mr. Keck
02:45:12 Chairman Peterson
02:45:18 Rep. Pease-Lopez
02:45:46 Chairman Peterson
02:45:53 Mr. Keck
02:45:57 Mr. Keck
02:46:06 Chairman Peterson
02:46:25 Mr. Keck
02:47:43 Chairman Peterson
02:47:58 Mr. Keck
02:48:18 Chairman Peterson

Closing by Sponsor:

02:48:33 Rep. McNutt
02:49:26 Rep. Sands
02:49:54 Chairman Peterson

ADJOURNMENT

02:49:54 Adjournment: 11:51:55 am

Karen Armstrong, Secretary

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[EXHIBIT\(juh07a05\)](#)

[EXHIBIT\(juh07a06\)](#)

Additional Documents:

[EXHIBIT\(juh07aad.pdf\)](#)